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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,049	09/21/2000	E. L. E. Kluth	GB9902596.7	9057

7590 12/04/2002

TROP, PRUNER & HU, P.C.  
8554 KATY FREEWAY  
SUITE 100  
HOUSTON, TX 77024

EXAMINER

TRA. TUYEN Q

ART UNIT PAPER NUMBER

2873

DATE MAILED: 12/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/668,049

Applicant(s)

KLUTH ET AL.

Examiner

Tuyen Q Tra

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 17 October 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1, 14, 15 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 2-8, 16-18 is/are allowed.
- 6) ☒ Claim(s) 9 and 19 is/are rejected.
- 7) ☐ Claim(s) 10-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Oath/Declaration***

1. The declaration filed **09/21/01** is acceptable.

### **Priority**

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d).

### ***Drawings***

3. The drawings in this application are objected to by the Draftsperson as for the reasons noted on the attached Notice of Draftsperson's Patent Drawing Review, form PTO-948.

### **Specification Objection**

4. The specification is objected to because of the following informalities:
  - On page 13, line 1, item "100" mentioned in specification could not be found in drawings.
  - Page 14 and 16, the same item "118" with two different descriptions. Correction is needed.
5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
6. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means"

and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### **Claim Rejections - 35 USC § 102**

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 9 rejected under 35 U.S.C. 102(b) as being anticipated by Zeller et al. (E.P. Pat. 0695853 A2).

Zeller et al. discloses in Fig. 3 a sensor (32) protection from downhole fluids with a sensor contained within a tubing (28) from an environment at a location proximate the sensor, comprising:

a fluid conduit (130) having a first end in fluid communication with the tubing (28) proximate the sensor, and a second end; and

a first fluid barrier reservoir (140) having a first opening in fluid communication with the remote location, and a second opening in fluid communication with second end of the fluid conduit (130), the first opening being distal from the second opening, the first fluid barrier reservoir containing a first fluid having a first specific gravity(see Fig. 3).

9. Claim **19** is rejected under 35 U.S.C. 102(b) as being anticipated by Zeller et al. (E.P. Pat. 0695853 A2).

Zeller et al. discloses in Fig. 3 an apparatus for protecting sensors (32) and fiber optic cables (not shown) surrounded by fluids which are inert with respect to the sensors (32) and optical cables (not shown) located in a sensor highway which includes a fluid reservoir (22) containing one or more barrier fluids which reservoir is connected on one side of the fluids to the sensor highway and on the other side of the fluids is connected to hydrocarbon reservoir fluids via orifice (128) and where the fluids in the fluid reservoir acting as a filter against (also mentioned in abstract) the ingress of well-fluid from the hydrocarbon reservoir fluid to the sensor highway side of the fluid reservoir where the sensors and optical cable are located (see Figure 3).

#### **Allowable Subject Matter**

10. Claims 2-8, 16-18 are allowed.

The reason for the indication of allowable subject matter is that (claim 2) a second tubing having a first end in fluid communication with the first tubing proximate the sensor, and a second end; and

a fluid barrier reservoir containing a barrier fluid, the fluid barrier having a first opening in fluid communication with the second end of the second tubing, and a second opening in fluid communication with the remote location; (claim 16) emplacing within a tube a sensor in signal communication with a communication cable, the sensor being located within a section of the tube proximate the location at which the parameter is to be measured; placing in fluid communication with the section of the tube containing the sensor a fluid reservoir, the fluid

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reservoir further being placed in fluid communication with the fluid environment; isolating the tube to prevent passage of fluid out of the tube; and passing a first fluid into the tube to cause the fluid to flow into the fluid reservoir disclosed in the claims is not found in the prior art.

11. Claims 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The reason for the indication of allowable subject matter is that (claim 10) a second fluid barrier reservoir disposed within the fluid conduit between the first fluid barrier reservoir and the tubing, the second fluid reservoir having first and second openings for connecting to the fluid conduit, the first opening being distal from the second opening, the second fluid barrier reservoir containing a second fluid having a second specific gravity different that the first specific gravity disclosed in the claims is not found in the prior art.

### *Conclusion*

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyen Tra whose telephone number is (703) 306-5712. The examiner can normally be reached on Monday to Friday from 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps, can be reached on (703) 308-4883. The fax number for this Group is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Examiner: Tuyen Tra

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Date: November 21, 2002

*Handwritten signature*